

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVON WASHINGTON, PARIIS TILLERY,  
JOHN DOE, and STEVEN ESPINAL, *on behalf of*  
*himself and all others similarly situated,*

Plaintiffs,

-against-

THE CITY OF NEW YORK et al.,

Defendants.

No. 18-CV-12306 (CM)

**DECLARATION OF KATHERINE ROSENFELD**

I, KATHERINE ROSENFELD, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner in the firm of Emery Celli Brinckerhoff & Abady LLP, co-counsel for Plaintiffs in this action, and an attorney admitted to practice in the Southern District of New York. I make this declaration in support of Plaintiff Steven Espinal's motion for a preliminary injunction.

2. Annexed as Exhibit 1 are copies of Records of Variance Actions taken by the New York City Board of Correction ("BOC").

3. Annexed as Exhibit 2 is a copy of a page from the BOC website concerning mandated reports from the Department of Correction ("DOC"), downloaded at my direction from <https://www1.nyc.gov/site/boc/reports/departments-of-correction-reports.page>.

4. Annexed as Exhibit 3 is a copy of a DOC spreadsheet detailing all substitute jail orders issued for DOC inmates from January 1, 2012 to June 19, 2018.

5. Annexed as Exhibit 4 is a copy of a July 22, 2018 *New York Times* article entitled “New York City’s Young Inmates Are Held in Isolation Upstate, Despite Ban.”

6. Annexed as Exhibit 5 is a copy of a December 28, 2018 *New York Times* article entitled “Young Inmates Say They Were Shipped Upstate, Held in Isolation and Beaten.”

7. Annexed as Exhibit 6 is a copy of Google Maps’ directions between Rikers Island and Albany County Correctional Facility.

8. Annexed as Exhibit 7 is a copy of email correspondence between Robert M. Quackenbush and the New York State Commission of Correction, with a list of substitute jail orders issued at the request of DOC between March 8, 2018 and August 16, 2018.

9. Annexed as Exhibit 8 is a copy of Directive #4910 of the New York State Department of Corrections and Community Supervision (“DOCCS”), titled “Control of & Search for Contraband.”

10. Annexed as Exhibit 9 is a copy of DOC Directive 4508R-E, titled “Control of and Search for Contraband.”

11. Annexed as Exhibit 10 are copies of Albany County Correctional Facility incident reports and disciplinary records concerning incidents involving Plaintiffs and other Rikers detainees on the dates of their arrival. In each, Albany County Correctional Facility staff claim that the detainee “turned around” or “turned off the wall” to spontaneously assault staff.

12. Annexed as Exhibit 11 is a copy of the Albany County Correctional Facility Inmate Disciplinary Review Form concerning Steven Espinal’s February 26, 2018 disciplinary hearing.

13. Annexed as Exhibit 12 is a copy of the entry for Pariis Tillery in DOC’s online Inmate Lookup Service, as of January 25, 2019.

14. Annexed as Exhibit 13 is a copy of medical treatment records dated August 13, 2018, from Albany County Correctional Facility and Albany Memorial Hospital concerning Plaintiff Pariis Tillery.

15. Annexed as Exhibit 14 is a copy of the Albany County Correctional Facility Inmate Disciplinary Review Form concerning Pariis Tillery's August 24, 2018 hearing.

16. Annexed as Exhibit 15 is a copy of a document titled concerning "Solitary Confinement of Juvenile Offenders," prepared by the American Psychological Association, downloaded at my direction from <https://www.apa.org/advocacy/criminal-justice/solitary.pdf>.

17. Annexed as Exhibit 16 is a copy of the American Civil Liberties Union's January 2017 report titled "Caged In: Solitary Confinement's Devastating Harm on Prisoners with Physical Disabilities."

18. Annexed as Exhibit 17 is a copy a study published in the March 2014 *American Journal of Public Health* by Fatos Kaba et al., titled "Solitary Confinement and Risk of Self-Harm Among Jail Inmates."

19. Annexed as Exhibit 18 is a copy of a September 5, 2013 report by James Gilligan, M.D., and Bandy Lee, M.D., to BOC concerning DOC's compliance with the Mental Health Minimum Standards established by BOC.

20. Annexed as Exhibit 19 is a copy of an August 15, 2018 letter from DOC Assistant General Counsel Sean Craig Dillon to Ruben Dario Fernandez.

21. Annexed as Exhibit 20 is a copy of a July 24, 2018 *New York Times* article titled, "Mayor Defends Sending Youths to Jails with Solitary Confinement."

22. Annexed as Exhibit 21 is a copy of a February 16, 2018 letter from Jesse Hoberman-Kelly to the General Counsel of DOC.

23. Annexed as Exhibit 22 is a copy of Steven Espinal's March 3, 2018 Notice of Claim filed with the New York City Comptroller, with acknowledgment of receipt thereof.

24. Annexed as Exhibit 23 is a copy of an Article 78 Petition filed by Julian Cepeda against DOC.

25. Annexed as Exhibit 24 is a copy of a July 10, 2018 letter from Ruben Dario Fernandez to DOC Commissioner Cynthia Brann.

26. Annexed as Exhibit 25 is a copy of a June 13, 2018 denial by the Albany County Correctional Facility of a grievance filed by Plaintiff John Doe.

27. Annexed as Exhibit 26 is a copy of DOC Directive 6500R-D, titled "Inmate Disciplinary Due Process."

28. Annexed as Exhibit 27 is a copy of a September 5, 2018 grievance investigation form completed by the Albany County Correctional Facility.

29. Annexed as Exhibit 28 is a copy of DOCCS Directive #4423, titled "Inmate Telephone Calls."

30. Annexed as Exhibit 29 is a copy of a March 28, 2018 substitute jail order concerning Steven Espinal and related correspondence.

31. Annexed as Exhibit 30 is a copy of the inmate locator record for Steven Espinal at VINELink, downloaded at my direction from <https://www.vinelink.com/#/home/site/33004>, which was accessed through the website of the Albany County Sheriff's Department at <http://www.albanycounty.com/Government/Departments/CountySheriff/Corrections/acso-vine.aspx>.

Dated: January 28, 2019  
New York, New York

/s/  
KATHERINE ROSENFELD